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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**Town of Hardwick**

P.O. Box 523 • Hardwick, VT 05843 • (802) 472-6120

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of
Procedures for Reviewing Requests for
Relief From State and Local Regulations
Pursuant to Section 332 (c) (7) (B) (V) of
the Communications Act of 1934

WT Docket No. 97-192

We, the Town of Hardwick Select Board, have grave concerns about the preemption of state and local land use laws relative to the siting of personal wiring facilities. Act 250 and local zoning regulations address the specific land use needs of our state and our community.

The agency's proposal states that "No state or local statute or regulation, or other local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." Because of the grey terminology of this proposed rule, any action the Town of Hardwick may take to control the siting of facilities may "have the effect of prohibiting" a telecommunications service. This proposed rule makes it difficult for the Town to exercise its authority as a municipality.

The docket states that the FCC "would presume that personal wireless facilities will comply with our RF (radiofrequency) emissions guidelines. The state or local government would have the burden of overcoming this presumption by demonstrating that the facility in question does not or will not, in fact, comply with our RF guidelines". If a personal wireless service facility is sited in Hardwick, the Town lacks the financial and technical resources to determine whether or not the radiofrequency emissions from a facility would exceed the FCC guidelines.

Respectfully submitted,
Hardwick Select Board

Richard Brochu
Richard Brochu

Helmut Nottermann
Helmut Nottermann

M. Tod DeLaricheliere
M. Tod DeLaricheliere

Anne Batten
Anne Batten

Sherry Lussier
Sherry Lussier

cc: Senator James Jeffords
Senator Patrick Leahy
Congressman Bernard Sanders
Representative Paul Cillo
Senator Julius Canns
Senator Robert Ide
Governor Howard Dean

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Town of Hardwick

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of
Preemption of State and Local
Zoning and Land Use Restrictions
on the Siting, Placement and Construction
of Broadcast Station Transmission Facilities

MM Docket No. 97-182

We, the Town of Hardwick Select Board, are gravely concerned about the agency's proposed rules which would preempt state and local land use restrictions on the siting, placement and construction of broadcast station transmission facilities. Act 250 and local zoning regulations address the specific land use needs of our state and our community.

The new rule would require "that any state or local government decision denying a request be in writing, supported by substantial evidence and delivered to all applicants within 5 days." This is clearly an unrealistic time frame for towns which rely on citizens who volunteer for zoning boards and select boards.

The agency seeks additional information on the industry's assertion that local zoning regulation "stands as an obstacle to the implementation of the DTV conversion and to the institution and improvement of broadcast service generally". Act 250 and local zoning regulations have been enacted for the public good.

Respectfully submitted,
Hardwick Select Board

Richard Brock
Richard Brock

Helmut Nothmann
Helmut Nothmann

M. J. DeLarighe
M. J. DeLarighe

Anne K. Batten
Anne Batten

Sherry Lussier
Sherry Lussier

cc: Senator James Jeffords
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Congressman Bernard Sanders
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